

N. C. ADMINISTRATIVE CODE
Title 19A. Department of Transportation

SECTION 2E.0600 SELECTIVE VEGETATION REMOVAL POLICY

.0601 PERMIT TO REMOVE VEGETATION

(a) In recognition of the State of North Carolina's desire to assure that high quality and aesthetically pleasing views are provided highway users, along with recognizing that, within certain specified limitations, businesses and certain business advertising are legitimate commercial uses of property adjacent to the highways and are an integral part of the State's business and marketing economy, permits for opening views to office, institutional, commercial, and industrial developments and legally erected forms of outdoor advertising, which border State highways, are provided by this Section.

(b) Selective thinning, pruning, replacement, relocation, or removal of vegetation within highway rights of way may be permitted only for opening views to office, institutional, commercial and industrial facilities and legally erected forms of outdoor advertising which are located directly adjacent to State highway rights of way. When such thinning, pruning, replacement, relocation, or removal of vegetation is allowed, it shall be performed by the permittee or his agent at no cost to the Department of Transportation and shall comply with this Section.

*History Note: Filed as a Temporary Rule Eff. April 13, 1982 for a Period of 48 Days to Expire on June 1, 1982;
 Statutory Authority G.S. 136-18(5); G.S. 136-18(7); G.S. 136-18(9);
 Eff. June 1, 1982;
 Amended Eff. June 2, 1982.*

.0602 REQUESTS FOR PERMITS

(a) Applications for selective vegetation thinning, pruning, or removal (exclusive of grasses) shall be made by the owner of the business or advertisement to the appropriate Division Engineer of the North Carolina Department of Transportation, Division of Highways. A fee of two hundred dollars (\$200) must accompany each application.

(b) Selective vegetation thinning, pruning, or removal shall be permitted only for the permittee's facilities adjacent to highway right of way at locations where such facilities have been constructed. The provisions shall not be used to provide visibility to undeveloped property.

(c) Applications must be accompanied by a sketch showing the requested limits of the selective thinning, pruning, or removal of vegetation. For outdoor advertising displays, these limits shall be restricted to a maximum cutting area for each sign face which shall be determined as follows:

- (1) The point located on the edge of the right of way which is the closest point to the center line of the sign face shall be point A;
- (2) The point located 100 feet down the right of way line in the direction of the sign viewing zone shall be point B;
- (3) The point on the edge of pavement of the travelway (not paved shoulder) which is the closest to the center line of the sign shall be point C;
- (4) The point 50 feet down the edge of pavement in the direction of the sign viewing zone from point C shall be point D;
- (5) The point 250 feet down the edge of pavement in the direction of the sign viewing zone from point C shall be point E;
- (6) Lines drawn from point A to point D and from point B to point E shall define the limits of the cutting area (see diagrams that follow as examples of the application of this subsection).

The Department of Transportation shall determine compensatory tree replanting to be performed by the sign owner as a result of the ABED removal zone versus the previous 125-foot rectangular zone. Compensatory tree planting is required to replace trees removed in the new portion of the ABED zone. This replanting shall be inch for inch based on the caliper inches of trees removed in the ABED zone which are four inches and greater measured six inches above the ground. Location of replanting shall be areas of old 125-foot zone now not allowable to be cut by new ABED zone and locations within right

of way on same route within one mile as designated by the Department. Where sign faces are blocked or will be blocked by existing trees in the 125-foot zone the ABED removal zone shall not be implemented.

For commercial, industrial, institutional and office facilities, the limits of selective clearing or thinning shall be restricted to the area of right-of-way immediately adjacent to frontage property of the facility but not to exceed 1,000 linear feet.

(d) Applications for permits for vegetation cutting to be performed on State Highway right of way must be accompanied by written authorization(s) by the underlying fee owner(s) of all property upon which cutting is to take place, provided that where the right of way was secured in fee simple by the Department, such authorization shall not be required. The application must also be accompanied by written authorization of all owners of property abutting the area to be cut.

(e) The selective vegetation control request shall be investigated on site by Maintenance and Roadside Environmental personnel and a representative of the applicant.

(f) If the application for vegetation cutting is for a site located within the corporate limits of a City or Town, local officials shall be given the opportunity to review the application if the City or Town has previously advised the Division Engineer of their desire to review such applications.

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Eff. June 1, 1982;
Amended Eff. August 1, 2000; November 16, 1991; December 1, 1990; August 1, 1985; June 2, 1982;
Filed as a Temporary Amendment Eff. November 16, 1999.*

.0603 ISSUANCE OR DENIAL OF PERMIT

(a) Within 30 days following receipt of the application, the Division Engineer shall approve or deny the application. If the application is denied, the Division Engineer shall advise the applicant, in writing, of the reasons for denial.

(b) The application shall be denied by the Division Engineer if:

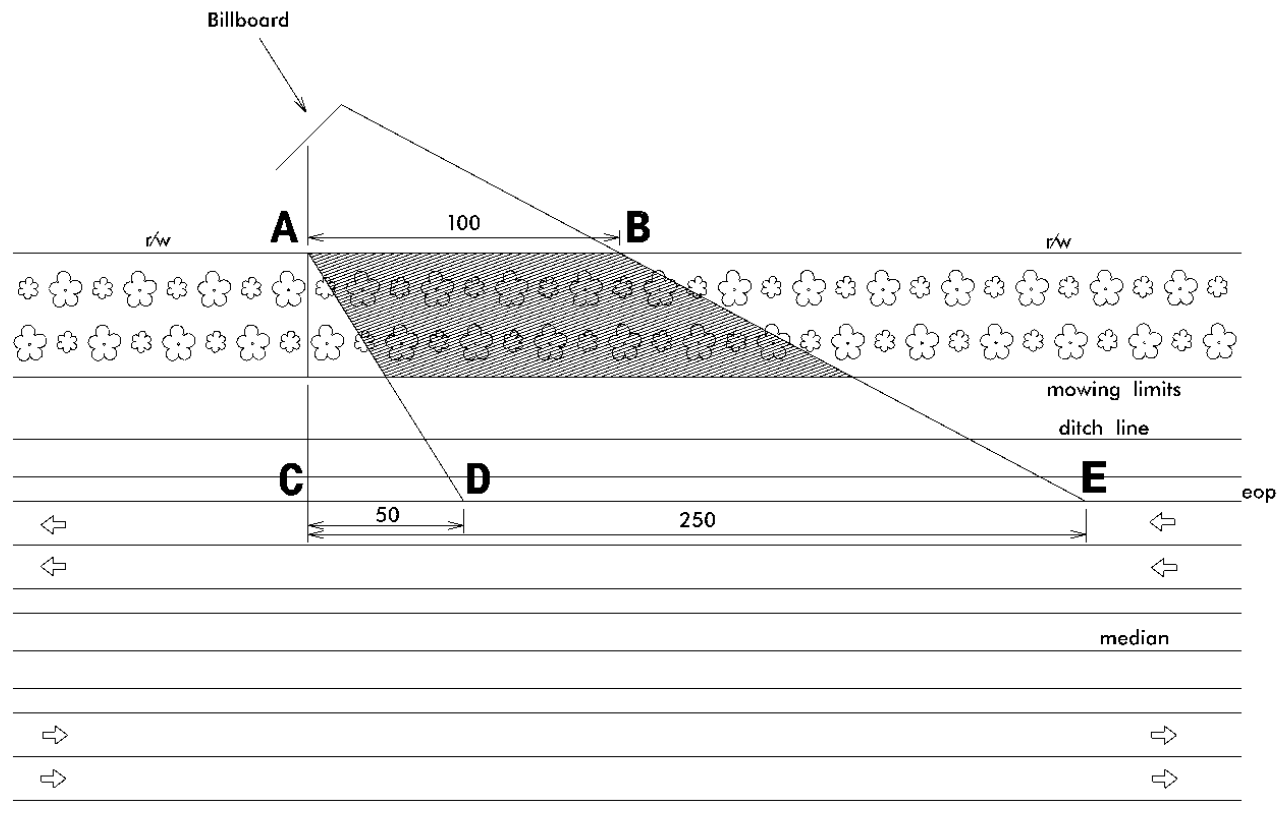
- (1) It requires removal of trees that were in existence before the business or advertisement was established. An existing tree shall be one that is four inches in diameter as measured six inches from the ground.
- (2) The application is for the opening of view to a sign or business which has been declared illegal or is currently involved in litigation with the department.
- (3) It is determined that the facility or advertisement is not screened from view.
- (4) The application is for the opening of view to an outdoor advertising sign which was obscured from view at the time of erection of the sign.
- (5) Removal of vegetation will adversely affect the safety of the traveling public.
- (6) Trees, shrubs, or other vegetation of any sort were planted in accordance with a local, State, or Federal beautification project.
- (7) Planting was done in conjunction with a designed noise barrier.
- (8) The applicant has not performed satisfactory work on previous requests under the provisions of the Rules in this Section (this may not be cause for denial if the applicant engages a landscape contractor to perform the work).
- (9) It involves opening of views to junkyards.
- (10) The application is contrary to ordinances or rules and regulations enacted by local government, within whose jurisdiction the work has been requested to be performed.

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Eff. June 1, 1982;
Amended Eff. August 1, 2000; November 1, 1991; December 1, 1990; August 1, 1985; June 2, 1982.*

.0604 CONDITIONS OF PERMIT

- (a) Selected vegetation within the approved limits shall be thinned, pruned, or removed by the Permittee or his agent in accordance with accepted horticultural practices recommended by North Carolina State University. Roadside Environmental personnel shall identify specific trees, shrubs, and other vegetation which may be pruned, thinned, or removed.
- (b) The Permittee may be required to furnish a performance bond or check in an amount determined by the Division Engineer to run concurrently with the permit, as deemed necessary to restore the right of way to the original condition if damage occurs.
- (c) A Division of Highways Roadside Inspector shall be present while work is underway.
- (d) Permits may be issued for multiple sites; however, a permit must be secured prior to performing any vegetation control work. Routine maintenance by the Permittee or his agent shall not be permitted.
- (e) The Permittee or his agent shall not impede traffic on the highway in performing the work. Access to the work site on controlled access highways must be gained without using the main travelway of the highway. The Division Engineer shall determine traffic control signing which may be required. The Permittee shall furnish, erect and maintain the required signs as directed by the Division Engineer.
- (f) Any damage to vegetation which is to remain, to highway fences, signs, paved areas, or other facilities shall be repaired or replaced by the Permittee to the satisfaction of the Division Engineer. All trimmings, laps, and debris shall be removed from the right of way and disposed of in areas provided by the Permittee. No burning or burying shall be permitted on the highway right of way. When chipping is used to dispose of trimmings, chips may be neatly spread on right of way at locations which the Division Engineer determines will not be harmful to the environment or traffic safety.
- (g) Upon satisfactory completion of all work, the Roadside Inspector shall notify the Division Engineer who shall notify the Permittee in writing of such acceptance, terminate the permit, and return the performance bond or check.
- (h) Failure to comply with all the requirements specified in the permit, unless otherwise mutually resolved, shall result in immediate revocation of the permit and forfeiture of any or all of the performance bond or check as determined by the Division Engineer based on conditions stated in Paragraph (b) of this Rule.

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Clearing Limits for Outdoor Advertising Signs
Diagram #1

